

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

IN RE:

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§  
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§  
§

CASE NO.  
(Chapter 7)

Debtor(s)

**341(a) MEETING QUESTIONNAIRE AND SWORN TESTIMONY**

The answers and information provided by the Debtor(s) in this document are a part of the Debtor(s) sworn testimony given before the Chapter 7 Trustee or the Trustee's designated representative.

Debtors(s), you must read the questions stated below and answer fully and completely (Singular tense shall be interpreted as Plural tense when the case is a joint filing).

To the extent that any of the following information is not shown in your petition, schedules, or statement of financial affairs or, if any of this information in those documents has changed, please answer the following:

**Debtor**

**Joint-Debtor**

Name(s): \_\_\_\_\_

\_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone # (home): \_\_\_\_\_

\_\_\_\_\_

Employer(s): \_\_\_\_\_

\_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone # (work): \_\_\_\_\_

\_\_\_\_\_

**Non-Filing Spouse**

Name: \_\_\_\_\_

Employer: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone #  
(home): \_\_\_\_\_

Telephone #  
(work): \_\_\_\_\_

## **GENERAL INFORMATION**

1. \_\_\_\_ YES \_\_\_\_ NO Have you ever filed bankruptcy before?

If so, when: \_\_\_\_ Where: \_\_\_\_

Chapter: \_\_\_\_ Did you receive a discharge? \_\_\_\_

2. I have the following outstanding liabilities:

Child Support	Y	N
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Student Loans	Y	N
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Taxes	Y	N
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Claims for death or Personal Injury	Y	N
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Obligations to Pension or Profit-sharing or other similar Obligations	Y	N
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## **KNOWLEDGE OF IMPORTANT BANKRUPTCY ISSUES**

3. \_\_\_\_ YES \_\_\_\_ NO \_\_\_\_ N/A

(a) I am an individual debtor. I know my case will automatically be dismissed on the 46<sup>th</sup> day after I filed this bankruptcy if the following documents have not been timely filed; and

(b) I have checked the documents that I or my attorney have not yet filed.

Not Yet Filed

\_\_\_\_ A list of creditors

\_\_\_\_ A schedule of assets and liabilities

\_\_\_\_ A schedule of current income and current expenditures

\_\_\_\_ A statement of financial affairs

\_\_\_\_ A certificate that my attorney or petition preparer  
delivered a 342(b) notice to me

\_\_\_\_ Copies of all payment advices or other evidence of payment received  
within 60 days before the date of the filing of the petition from any  
employer.

\_\_\_\_ A statement of the amount of monthly net income,  
itemized to show how the amount is calculated

\_\_\_\_ A statement disclosing any reasonably anticipated increase in income or  
expenditures over the 12 month period following the date of the petition

4. \_\_\_\_YES \_\_\_\_NO \_\_\_\_N/A The majority of my debts were incurred primarily for a personal, family or household purpose.
5. \_\_\_\_YES \_\_\_\_NO \_\_\_\_N/A I received and understand the Duties and Responsibilities of a Debtor Under Chapter 7.
6. \_\_\_\_YES \_\_\_\_NO \_\_\_\_N/A I received, read, and understand the Statement of Information required by 11 U.S.C. Section 341 prepared by the Office of the United States Trustee.
7. \_\_\_\_YES \_\_\_\_NO \_\_\_\_N/A I read, signed and understand the questions and information contained in my Schedules, Statement of Financial Affairs and this written Sworn Testimony.
8. \_\_\_\_YES \_\_\_\_NO \_\_\_\_N/A I personally signed my Bankruptcy Petition, Bankruptcy Schedules and Statement of Affairs, and Means Test Analysis prior to my attorney filing them with the Bankruptcy Court.
9. \_\_\_\_YES \_\_\_\_NO \_\_\_\_N/A I understand that all my property, owned by me, may be liable for my domestic support obligations.
10. \_\_\_\_YES \_\_\_\_NO \_\_\_\_N/A I understand that within thirty days of my initial meeting of creditors I must reach an agreement with my secured creditor(s) (with purchase money collateral) and either surrender the asset, redeem the asset or reaffirm the debt or the automatic stay will terminate.

#### **QUESTIONS RELATING TO ASSETS**

11. \_\_\_\_YES \_\_\_\_NO \_\_\_\_N/A In my Bankruptcy Schedules, I have accurately listed everything that I own including real estate, personal property and money.
12. \_\_\_\_YES \_\_\_\_NO \_\_\_\_N/A I have lived in Texas for the last 730 days (2 years).
- If you answered **no** to the above question, name which State(s) you resided in last 730 days(2 years):\_\_\_\_\_.
- If so, when: \_\_\_\_\_
13. \_\_\_\_YES \_\_\_\_NO \_\_\_\_N/A I have listed, on Schedule C, real estate located in Texas:
- If you answered yes to the above question answer the following:
- Were you living there on the date of your bankruptcy filing?  
\_\_\_\_\_
- Is it within the city limits? \_\_\_\_\_
- If it is located outside the city limits, how many acres is it?  
\_\_\_\_\_
- Is the equity in the property in excess of \$125,000?  
\_\_\_\_Yes \_\_\_\_No
14. \_\_\_\_YES \_\_\_\_NO \_\_\_\_N/A Did you purchase your home during the four years before filing this bankruptcy?

If you answered **yes** to the above question, state the date the residence was acquired:\_\_\_\_\_

15.\_\_\_\_YES \_\_\_\_NO \_\_\_\_N/A

Have you ever owned any interest in real estate anywhere that is **NOT** listed in your schedules?

If you answered **yes**, then answer the following:

Yes\_\_\_\_ No \_\_\_\_A. With respect to any real estate not listed in Schedule A, has it been sold?

Yes\_\_\_\_ No\_\_\_\_ B. When you sold it, were you paid in full at closing?

Yes\_\_\_\_ No\_\_\_\_ C. Did you sell it to a friend or relative?

16.\_\_\_\_YES \_\_\_\_NO \_\_\_\_N/A

Do you own any rental property?

If you answered yes to the above question, answer the following:

Rental payment \_\_\_\_\_.

If there is a lien against the rental property, how much is the monthly payment? \_\_\_\_\_ Lender\_\_\_\_\_

17.\_\_\_\_YES \_\_\_\_NO \_\_\_\_N/A

Have you operated a business during the last six years?

If you answered **yes** to the prior question, answer the following:

State the amount of gross revenues to this business:

This year:\_\_\_\_\_ Last year:\_\_\_\_\_

Do you intend to continue operating the business?

\_\_\_\_Yes \_\_\_\_No

18.\_\_\_\_YES \_\_\_\_NO \_\_\_\_N/A

Is all non-exempt property insured, other than cash on hand?

19.\_\_\_\_YES \_\_\_\_NO \_\_\_\_N/A

Did you transfer, sell or convey any real or personal property with a fair market value of more than \$2,500 in the last four (4) years?

20.\_\_\_\_YES \_\_\_\_NO \_\_\_\_N/A

Have you ever been the trustee, beneficiary or settlor of a Trust?

21.\_\_\_\_YES \_\_\_\_NO \_\_\_\_N/A

Have you transferred anything into a trust within the last ten (10) years?

22.\_\_\_\_YES \_\_\_\_NO \_\_\_\_N/A

Is anyone holding any of your property?

23.\_\_\_\_YES \_\_\_\_NO \_\_\_\_N/A

Do you have any type of retirement account or plan?

24.\_\_\_\_YES \_\_\_\_NO \_\_\_\_N/A

Have you ever made a non-tax deferred (after tax) contribution to a retirement account or plan?

25.\_\_\_\_YES \_\_\_\_NO \_\_\_\_N/A

Have you placed money in an educational individual retirement account or state tuition fund prior to the filing of this bankruptcy?

If you answered yes to the above question, answer the following:

How much: \_\_\_\_\_ When: \_\_\_\_\_

**QUESTIONS RELATING TO CREDITORS**

26. \_\_\_\_ YES \_\_\_\_ NO \_\_\_\_ N/A I have listed, in my schedules, everyone to whom I owed money on the date I filed this bankruptcy, including friends and relatives.

27. \_\_\_\_ YES \_\_\_\_ NO \_\_\_\_ N/A I understand that my unreceived tax refund for this and any prior tax years may be an asset of the bankruptcy estate and that I must tell my Trustee when I receive these refunds (Please refer to the debtor's Duties and Responsibilities).

28. \_\_\_\_ YES \_\_\_\_ NO \_\_\_\_ N/A Have you made payments to the IRS greater than necessary to pay taxes currently due, *e.g.* have you prepaid any taxes?

If you answered **yes** to the above question, answer the following:

Date(s): \_\_\_\_\_ Amount(s): \_\_\_\_\_

29. \_\_\_\_ YES \_\_\_\_ NO \_\_\_\_ N/A Have you asked the IRS to apply any refunds to your future tax obligations?

30. \_\_\_\_ YES \_\_\_\_ NO \_\_\_\_ N/A In the last year, did you make payments on your mortgage or to any other creditor greater than the regularly required payment?

If you answered **yes** to the above question, answer the following:

To whom: \_\_\_\_\_ How much: \_\_\_\_\_

31. \_\_\_\_ YES \_\_\_\_ NO \_\_\_\_ N/A Do any of your debts arise from a violation of the Federal Securities Laws?

32. \_\_\_\_ YES \_\_\_\_ NO \_\_\_\_ N/A Are any of your debts based on an alleged claim of fraud, deceit or manipulation of a fiduciary capacity in the purchase or sale of any security?

33. \_\_\_\_ YES \_\_\_\_ NO \_\_\_\_ N/A Do any of your debts arise from any alleged criminal act or intentional tort or willful or reckless misconduct that caused serious physical injury or death to any individual within the last five years?

34. \_\_\_\_ YES \_\_\_\_ NO \_\_\_\_ N/A Has anyone sued you for death or personal injury resulting from the operation of a motor vehicle, vessel or airplane?

35. \_\_\_\_ YES \_\_\_\_ NO \_\_\_\_ N/A In the last two years, did you repay any money borrowed from your relatives or in-laws?

If you answered **yes** to the above question, answer the following:

When \_\_\_\_\_ How much: \_\_\_\_\_

36. \_\_\_\_ YES \_\_\_\_ NO \_\_\_\_ N/A In the last year did you make payments on loans from your pension or savings loan?

37. \_\_\_\_ YES \_\_\_\_ NO \_\_\_\_ N/A Do you owe child support payments or other domestic support obligations?

If you answered **yes** to the above question, list the full name and last known address of the party to whom the CSO/DSO is due, the agency the support payment is paid through and you employer's name and address.

**Party to whom CSO/DSO is due**  
**(if more than one please list on the back)**

**Agency support payment is paid through**  
**(if more than one please list on the back)**

Name: \_\_\_\_\_

\_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone #: \_\_\_\_\_

\_\_\_\_\_

Number of Dependents: \_\_\_\_\_

**QUESTIONS RELATING TO INCOME AND EXPENSES**

38. \_\_\_\_ YES \_\_\_\_ NO \_\_\_\_ N/A I provided the Trustee with copies of my wage statements for the last sixty days.

39. \_\_\_\_ YES \_\_\_\_ NO \_\_\_\_ N/A I provided the Trustee with copies of my bank statements including the month I filed my bankruptcy petition and the two months prior to filing.

40. \_\_\_\_ YES \_\_\_\_ NO \_\_\_\_ N/A I provided the Trustee with a copy of my most recent filed tax return.

41. \_\_\_\_ YES \_\_\_\_ NO \_\_\_\_ N/A I have filed with the court and/or provided the Trustee a copy of my completed and verified Statement of Monthly Income and a Means Test Calculation and verification of Credit Counseling.

42. \_\_\_\_ YES \_\_\_\_ NO \_\_\_\_ N/A Did you lose in excess of \$2,500 gambling in the last year?

43. \_\_\_\_ YES \_\_\_\_ NO \_\_\_\_ N/A If applicable, I have provided the Trustee a copy of my Disabled Veteran's Letter.

**QUESTIONS RELATING TO LITIGATION**

44. \_\_\_\_ YES \_\_\_\_ NO \_\_\_\_ N/A Do you have any claims or potential claims or lawsuits against anyone whether a lawsuit has been filed or not?

45. \_\_\_\_ YES \_\_\_\_ NO \_\_\_\_ N/A Are you presently involved in a divorce proceeding or have you been involved in a divorce proceeding within the last four years?

YOU HAVE A LEGAL OBLIGATION TO PROVIDE THE TRUSTEE WITH TRUTHFUL CORRECT AND COMPLETE INFORMATION REGARDING YOUR CASE INCLUDING THE INFORMATION PROVIDED IN THE SCHEDULES, STATEMENT OF FINANCIAL AFFAIRS, THE FOREGOING QUESTIONS AND YOUR TESTIMONY AT THE 341 MEETING. IF YOU DISCOVER, LEARN OR REALIZE THAT ANY OF THE

ANSWERS OR INFORMATION THAT YOU PROVIDED IS INCOMPLETE OR INCORRECT IN ANYWAY, YOU MUST NOTIFY THE TRUSTEE IMMEDIATELY IN WRITING.

IF YOU RECEIVE MONEY OR PROPERTY THAT SHOULD HAVE BEEN BUT WAS NOT LISTED IN YOUR SCHEDULES, STATEMENT OF FINANCIAL AFFAIRS OR IN ANSWER TO THE QUESTIONS ABOVE, YOU MUST NOTIFY THE TRUSTEE IMMEDIATELY AND PRESERVE THE MONEY OR PROPERTY UNTIL THE TRUSTEE DIRECTS YOU TO TAKE A SPECIFIC ACTION. YOU MUST NOT USE OR OTHERWISE DISPOSE OF IT WITHOUT THE TRUSTEE'S PERMISSION.

IF YOU HAVE A QUESTION OR NEED INFORMATION REGARDING YOUR CASE AND ARE REPRESENTED BY AN ATTORNEY, PLEASE CONTACT YOUR ATTORNEY. IF YOUR ATTORNEY DOES NOT RESPOND, YOU MAY CONTACT THE TRUSTEE IN WRITING BUT SEND A COPY OF SUCH CORRESPONDENCE TO YOUR ATTORNEY. IF YOU DO NOT HAVE AN ATTORNEY, PLEASE REQUEST INFORMATION IN WRITING. NEITHER THE TRUSTEE NOR THE TRUSTEE'S EMPLOYEES CAN PROVIDE YOU WITH LEGAL ADVICE OR REPRESENTATION.

QUESTIONS REGARDING YOUR DISCHARGE SHOULD BE DIRECTED TO THE BANKRUPTCY CLERK'S OFFICE.

I have read the foregoing and understand the questions. If represented by an attorney, I have reviewed the foregoing with assistance of counsel. The answers to the questions are mine. The answers are based on my personal knowledge and are true and correct.

Dated this the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
DEBTOR

\_\_\_\_\_  
CO-DEBTOR

**ATTORNEY ACKNOWLEDGMENT**

As the attorney of record, I have explained the contents of this document to the Debtor(s) and I am not aware of any contrary and/or additional information. Furthermore, the contents of this document have not been altered from the form provided by the Panel Trustees.

\_\_\_\_\_  
ATTORNEY FOR DEBTOR(S)

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